

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANGEL AGUILERA,
Plaintiff,
v.
C. E. DUCART, et al.,
Defendants.

Case No. [18-cv-03389-HSG](#)

**ORDER DENYING MOTION TO
DISMISS FIRST AMENDED
COMPLAINT AS PREMATURE;
GRANTING REQUEST FOR
SCREENING OF THE FIRST
AMENDED COMPLAINT**

Re: Dkt. No. 39

Plaintiff, an inmate at Pelican Bay State Prison (“PBSP”) has filed a *pro se* action under 42 U.S.C. § 1983. On September 3, 2019, the Court denied defendants’ motion to dismiss the excessive force claims against Defendants Molina, Hendrix, Gonzalez, and Vicks, but granted defendants’ motion to dismiss the deliberate indifference to serious medical needs claim against Defendant Ducart. Dkt. No. 37. The Court granted Plaintiff leave to amend his claim against Defendant Ducart. *Id.* On September 30, 2019, plaintiff filed a first amended complaint. Dkt. No. 38. Defendants have filed a motion to dismiss the first amended complaint and a request that the Court screen the amended complaint pursuant to 28 U.S.C. § 1915A. Dkt. No. 39. The Court GRANTS defendants’ request for screening pursuant to 28 U.S.C. § 1915A. The Court will screen the amended complaint in a separate order. The Court DENIES as premature the motion to dismiss the first amended complaint. The Court has not yet screened the first amended complaint and identified the cognizable claims.

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This order terminates Dkt No. 39.

IT IS SO ORDERED.

Dated: 10/24/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge